

Assembly Bill No. 2796

CHAPTER 124

An act to amend Sections 8585 and 8741 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor July 24, 2006. Filed with
Secretary of State July 24, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2796, Mountjoy. Cemeteries: public notice.

Existing law requires that a cemetery authority post prescribed public notices on the premises of a cemetery containing, among other things, the address of the Cemetery and Funeral Bureau.

This bill would, instead, require that the notice provide either the address of the Cemetery and Funeral Bureau or a statement that the address of the Cemetery and Funeral Bureau is available at the office of the cemetery. The bill would make additional changes of a technical, nonsubstantive nature.

Existing law requires an endowment care cemetery to post a notice identifying it as an endowment care cemetery in its sales office or offices and at or near its entrance or its administrative building.

This bill would delete the requirement that the notice be posted in the sales office or offices and would, instead, require that the notice be posted at or near its entrance and at its administrative building.

The people of the State of California do enact as follows:

SECTION 1. Section 8585 of the Health and Safety Code is amended to read:

8585. (a) Whenever ownership of any cemetery authority is proposed to be transferred, the cemetery authority shall notify the Cemetery and Funeral Bureau in the Department of Consumer Affairs. A change in ownership, for purposes of this section, shall be deemed to occur whenever more than 50 percent of the equitable ownership of a cemetery authority is transferred in a single transaction or in a related series of transactions to one or more persons, associations, or corporations. The notice shall specify the address of the principal offices of the cemetery authority, and whether it will be changed or unchanged, and shall specify the name and address of each new owner and the stockholders thereof.

(b) Notice of the change of ownership shall be published in a newspaper of general circulation in the county in which the cemetery is located. The notice shall specify the address of the principal offices of the

cemetery authority, whether changed or unchanged, and shall specify the name and address of each new owner and each stockholder owning more than 5 percent of the stock of each new owner.

(c) If there is a change of ownership pursuant to this section, the existing certificate of authority shall lapse and a new certificate of authority shall be obtained from the Cemetery and Funeral Bureau. No person shall purchase a cemetery, including purchase at a sale for delinquent taxes, or purchase more than 50 percent of the equitable ownership of a cemetery authority without having obtained a certificate of authority from the Cemetery and Funeral Bureau prior to the purchase of the cemetery or the ownership interest in the cemetery authority.

(d) Every cemetery authority shall post and continuously maintain at each public entrance to the cemetery a sign specifying the current name and address of the cemetery authority, a statement that the name and address of each director and officer of the cemetery authority may be obtained by contacting the Cemetery and Funeral Bureau of the State of California, and shall have either of the following:

(1) The address of the Cemetery and Funeral Bureau.

(2) A statement that the address of the Cemetery and Funeral Bureau is available at the office of the cemetery.

(e) The signs shall be at least 16 inches high and 24 inches wide and shall be prominently mounted upright and vertical.

(f) The Cemetery and Funeral Bureau shall suspend the certificate of authority of any cemetery authority which is in violation of the sign or public notice requirements of this section. The certificate may be reinstated only upon compliance with these requirements.

SEC. 2. Section 8741 of the Health and Safety Code is amended to read:

8741. Each endowment care cemetery shall post in a conspicuous place at or near the entrance of the cemetery and at its administration building and readily accessible to the public, a legible sign that shall contain the following information in the order and manner set forth below:

(a) A heading containing the words “endowment care”—which shall appear in a minimum of one-inch letters.

(b) The statement, “This is an endowment care interment property.”